

# Game Over? The Withdrawal Agreement is by no means the end of the Brexit negotiations



*The announcement of the Withdrawal Agreement on November 13<sup>th</sup> was a momentous occasion, regardless of its final fate and the aftermath in London. It followed years of intense and fractious negotiations between the EU and the UK government. Although negotiating the future EU-UK relationship will also be arduous, it is difficult to envisage any issue more fractious as resolving the Northern Irish/Irish border issue. Given its uncertain fate in Westminster and the forthcoming EU-UK trade talks, the Agreement is by no means the end game, but nonetheless there are various lessons to be learnt about the EU, about the UK, about Northern Ireland and Ireland and about the British-Irish relationship from its negotiation and from the past 24 months, writes **Etain Tannam (Trinity College Dublin)**.*

## The EU

The Withdrawal Agreement has highlighted how the EU's 27 states, guided more than ably by Michel Barnier and the European Commission can be impressively cohesive. This cohesion is no mean task. Throughout the 1980s and 1990s the 'widening versus deepening' debate emphasised the question of whether a larger 'wider' EU would imply the demise of an integrative process, or whether enlargement would strengthen integration. UK governments tended to favour enlargement as means of slowing progress to European integration.

In fact, all member states rallied round the Irish government's preference to protect the Good Friday Agreement and the soft border in Northern Ireland. The inclusion of the backstop in the final text was evidence of this unanimous support. This support was not a foregone conclusion. When the Brexit referendum result was announced in June 2016 and Sinn Féin called for special status for Northern Ireland to stay in the Single Market, even if the UK left, there were concerns that Spain would prevent any separate treatment of Northern Ireland because of Catalonia. Similarly, as late as December 2017, politicians and journalists in the UK were predicting that once the EU agreed a satisfactory 'divorce bill' with the UK, the EU would soon drop the backstop condition. In addition, many UK commentators argued that the 27 would never stay together on the backstop issue and the UK government actively pursued a divide and conquer strategy in the attempt to ensure support for the backstop would weaken.

In fact, in December 2016, the European Commission announced its 3 bargaining priorities, including protecting a soft border between Northern Ireland and Ireland and protecting the Good Friday Agreement. In December 2017, [a joint EU-UK statement](#) included these priorities, despite DUP opposition and Conservative Party division, reflecting the EU's commitment. Since that statement, the EU has not wavered from these priorities.

The united response to the Brexit process reflects core institutional strengths in the EU. In particular, the European Commission showed its bargaining and mediating prowess in guiding the member states and leading the negotiations. Its ability to have a bird's eye view of all states and to enjoy access to information across various policy domains, shown strongly in enlargement negotiations, was also to the fore in the opposite case – a state exiting the EU. Its reputation in hiring highly skilled and persuasive staff was exemplified by Michel Barnier. The European Council's role has been thrown into relief in garnering support for a coherent strategy. The European Parliament also played a very active role in commissioning reports and engaging with experts on various aspects of the Irish border. Irish and some Northern Irish MEPS lobbied strongly in the EP to ensure that the border issue was prioritised. However, a key factor in the EU's cohesion was not simply its institutional strengths, but the lobbying role of the Irish government.



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### **Ireland and About Small States in the EU?**

The success of the Irish diplomats and politicians in persuading their EU colleagues to support the backstop is noteworthy. While some UK media accounts grew increasingly peevish, if not angry that the Irish government could play such a key role, despite its small status and its closeness to the UK, in fact the success of the Irish strategy verifies the argument that a small state with small number of bargaining priorities can concentrate resources on achieving those aims.

The mammoth effort made by Irish diplomats and politicians, including the commendable support given by opposition parties who resisted the temptation to make Brexit a political football, paid off in the final Agreement. However, the Brexit negotiations showed how the EU's institutional framework increased the Irish government's leverage. Again, the text-book argument that small states can forge close ties with the European Commission held through. The support for peace in Northern Ireland provided by the European Commission from the late 1990s provided a good starting point for Irish lobbying efforts. Michel Barnier was deeply involved in the development of the peace packages for Northern Ireland in the 1990s. In addition, the negotiations highlighted how in an institutionalised bargaining framework, where state representatives know they will meet repeatedly again to forge other agreements, being a 'good' member of the club helps achieve outcomes (the 'shadow of the future'). There were reports that Ireland's successful recovery from austerity and the Irish governments' implementation of the bailout's strict conditions encouraged the EU to support the Irish government's prioritisation of Northern Ireland.

### **The UK, Northern Ireland and the British-Irish Relationship**

As regards Northern Ireland, the negotiations before and after the Withdrawal Agreement highlighted how quickly old sectarian divisions can reignite. The DUP's hard line stance and rhetoric seemed from a by-gone era in Northern Ireland history and Sinn Féin's call for a poll on Irish unification also seemed from an earlier era. The Good Friday Agreement's consensual framework had sought to avoid zero sum references to constitutional status. However, over the past 24 months, traditional nationalist and unionist approaches have resurfaced on both sides, but most obviously among DUP representatives.

The negotiations have shown that stability in Northern Ireland is potentially fragile, unless contentious issues are managed jointly and strategically by UK and Irish governments. The significance of the border itself was also highlighted by the Withdrawal Agreement's negotiations. The dependence of livelihoods and the local economy on the freedom created by the Good Friday Agreement was very clear. It was also clear that the status quo could not be taken for granted.

As regards the UK, the negotiations also highlighted that traditional nationalism had not gone away in some circles, but that the form of nationalism was primarily English nationalism, not UK nationalism. Northern Ireland, Scotland and Wales did not feature strongly in Brexiteer language, until it became clear that the backstop would be integral to the final agreement and that the EU would not cave in. Northern Ireland was not considered in approaches to Brexit and the period highlighted significant ignorance among certain sections of society about Northern Ireland and its political parties. The very labelling of the border as an 'Irish' issue failed to recognise that the border is also a British issue, given Northern Ireland's status in the UK and that a resurgence in violence would have a deep impact on security in Britain. There was complacency about Northern Ireland and a lack of sensitivity about the political significance of the border as a symbol of identity. The Labour Party's reluctance to support the Withdrawal Agreement also highlights complacency about the Irish border, given that the Withdrawal Agreement minimises Brexit's negative consequences for the Good Friday Agreement and the soft border.

Similarly, negative rhetoric about the Irish government and some [personal attacks](#) on the Taoiseach Leo Varadkar highlighted a perception among a section of the UK Conservative elite that the border issue was being exaggerated for domestic political gain in Ireland and that a fuss was being made about nothing. More generally, Brexit has highlighted the existence of an inward looking nationalism that runs counter to the UK's reputation as being a relatively successful example of multi-culturalism and tolerance.

Irish rhetoric about the UK also reverted at times to a previous period. In some media accounts there were implications that the UK was being 'imperialist' and arrogant and an awareness that nearly half the electorate had voted to remain in EU was often not mentioned.

The negotiations clearly highlighted the potential for strains to emerge in the close British-Irish relationship. As noted [on this blog](#), rhetoric surfaced that had not been heard since the 1980s. However, over the past year, [the Irish government has sought to create bargaining space for Theresa May](#), not simply to enable her to preserve the backstop, but also to maintain an amicable relationship. However, the past year has also highlighted the resilience of that relationship. Rhetoric has softened and explicit references to the need to be sensitive to Theresa May's constraints have been made by both the Taoiseach and by the Minister for Foreign Affairs, Simon Coveney. In turn, Theresa May has increasingly shown awareness of the symbolic significance of the border.

The negotiations also highlighted the constructive working relationship between senior UK and Irish civil servants on the coalface of the negotiations – for example, Olly Robbins and his Irish counterpart in the Department of the Taoiseach. A superficial snapshot of some media rhetoric about the British-Irish relationship fails to reflect these less obvious relationships that can play an influential role, just as they did in the peace process.

Whatever the fate of the Withdrawal Agreement, it has thrown into relief complex features of the EU, of international bargaining and of domestic and post-conflict politics. There is one final lesson learnt and that is the significance of the gap between the logic of EU bargaining and the logic of domestic politics. Soon we'll know whether the latter will scupper the success of the former.

*This article gives the views of the author, and not the position of the LSE Brexit blog, nor of the London School of Economics. An earlier version of this post was published on the Irish Association for European Studies (IACES) website <https://www.ices.ie>.*

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